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THE INVENTORS NETWORK, INC.
332 ACADEMY STREET
CARNEGIE, PA 15106

EXAMINER

LE, LANA N

ART UNIT PAPER NUMBER

2685

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/050,345	Applicant(s) ARREAZOLA, GREGORY	
	Examiner Lana N Le	Art Unit 2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 05 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to new claims 11-12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claim 11 is objected to because of the following informalities:
 - in claim 11, line 5, after "cavity", a comma is needed.
 - in claim 12, line 3, after "cavities", a comma is needed.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 5,781,853) in view of Zeman (5,864,981) in view of Adams (US 4,817,191) in view

of Fetterly (US 5,365,739) in view of Acton (US 2,570,300) and further in view of McClain et al (US 6,052,939).

Regarding claim 11, Johnson discloses a portable combination thermal storage container and multi-media player (10) (figs. 1-6), comprising:

- a rectangular-shaped container (see figures 1-3, 6) having a pair of opposed sidewalls (figs. 1-3; opposed sidewalls 18, 20), a floor (22), and a front panel (14) with the container internally (chest 12 for storage; col 2, lines 64-67);

- a multi-media player including a radio (100), a cassette (110), and a CD player (120) (fig. 2) mounted to the lid portion (36) (col 4, lines 31-35);

- a pair of mid-range speakers mounted to the front panel (136, 138, fig. 1), and the speakers electrically interconnected to the multimedia player(electronically coupled to the AM/FM players 100, the cassette tape player 110, and compact disc player 120 by wires 132 respectively, figs 1 & 3) (col 5, lines 4-17).

- an antenna (not shown in figures 1-6) for receiving radio signals and electronically interconnected to the multi-media player (col 4, lines 10-13);

- a pair of handles (handles 62, 68 of figs. 2, 3 & 5) with one handle (62) pivotally mounted to one sidewall and the other handle (68) mounted to the other sidewall (col 3, lines 41-49);

- a plurality of casters (rollers 54, figs. 2 & 6) mounted subjacent the floor (22) of the container for allowing the rolling transportable movement of the container (col 3, lines 37-40).

However, Johnson does not disclose:

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the combination container is internally divided by a partition wall thereby creating a larger cavity and a smaller cavity both of which are enclosed by the container, each lid portion usable as a seat when the lid portions are pivoted for covering the respective cavities; a drain cap mounted on the sidewall adjacent the larger cavity for allowing the discharge of any fluid that has accumulated in the larger cavity; the other handle is pivotally mounted;

the multi-media player is mounted to the front panel; and one speaker mounted on each side of the multi-media player;

the antenna mounted to the sidewall adjacent the larger cavity;

a first aid kit removably mountable to the sidewall adjacent the smaller cavity for treating medical conditions and emergencies;

a bottle cap opener mounted to the sidewall adjacent the smaller cavity for opening a bottle that has a press-fit cap;

a plurality of holders mounted to the sidewall adjacent the larger cavity for holding utensils and cups and for allowing their removal therefrom for use by the individuals.

Zeman discloses a container (10; figs. 1-5) internally divided by a partition wall (31) thereby creating a larger cavity (cooler compartment 33) and a smaller cavity (bait compartment 32) both of which are enclosed by the container (enclosed by front wall 23, back wall 24, and side walls 25, 26 of exterior shell of container 10) (col 3, lines 49-60);

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a pair of lid portions (21, 22) pivotally mounted to the container (hinges 44 pivotally attached) (col 4, lines 34-41) with each lid portion (21, 22) adapted for covering and uncovering one cavity (32, 33) respectively; and

each lid portion usable as a seat (cushions provided as seats) when the lid portions (21, 22) are pivoted for covering the respective cavities (col 4, lines 34-41), and a drain cap (plug not shown in figures but similar to plug 37 of smaller compartment 32; see fig. 1; col 4, lines 9-16) mounted on the sidewall adjacent the larger cavity (33) for allowing the discharge of any fluid that has accumulated in the larger cavity (col 4, lines 9-16); both the handles (28, 29) are pivotally mounted (see figs. 1 & 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a lid included with a second hinge and a second latch closing over a second compartment and a drain cap to the combination container and multimedia player of Johnson in order to provide comfortable seating on the lids with the cushion, two compartments and two separate storage containers, i.e. one separate compartment (33) to store food that needs to be thermally insulated, and the other compartment (32) for smaller things, i.e. bait for fishes, two lids in order to allow the compartments to be accessed independently, i.e. opening one lid via the second latch and second hinge to open the second lid with ease while keeping the other lid closed to keep the items under that lid thermally insulated, and a drain cap for allowing liquids (ice water) to be drained from the larger compartment (33) which is insulated as suggested by Zeman (col 3, line 61-64; col 4, lines 9-16) and to have the other handle be the same as the first handle to have matching handles with a design choice of both handles being

pivoted for easy lifting only instead of the dual lifting and pulling capability of Johnson for the one non-pivoted handle when it is extended out.

Johnson and Zeman do not disclose:

the multi-media player is mounted to the front panel and one speaker mounted on each side of the multi-media player; the antenna mounted to the sidewall adjacent the larger cavity; a first aid kit removably mountable to the sidewall adjacent the smaller cavity for treating medical conditions and emergencies; a bottle cap opener mounted to the sidewall adjacent the smaller cavity for opening a bottle that has a press-fit cap;

a plurality of holders mounted to the sidewall adjacent the larger cavity for holding utensils and cups and for allowing their removal therefrom for use by the individuals.

Even though Johnson and Zeman do not specifically disclose the antenna mounted to the sidewall adjacent the larger cavity. It is well known in the art that an antenna can be placed anywhere in the container for reception of radio signals. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the antenna mounted to the sidewall adjacent the larger cavity of the modified container of Johnson and Zeman in order to place it at a position away from the front of the cooler so as not to block the way of the user accessing the compartments of the container.

Adams disclose a multi-media player (40) is mounted to the front panel (14) via face plate 45 and one speaker (44) mounted on each side respectively of the multimedia player (40) (see figures 1-2; col 2, lines 7-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to mount the multi-media

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player of the modified container and multimedia player of Johnson and Zeman to the front panel instead of the lid and to have the speakers on each side of the multi-media player front panel in order to accommodate the speakers together with the multi-media player in between to efficiently save space on the lid portion and to space the speakers so that balance and enhancement of sound and acoustical effect is achieved.

Johnson, Zeman, and Adams do not disclose:

- a first aid kit removably mountable to the sidewall adjacent the smaller cavity for treating medical conditions and emergencies;

- a bottle cap opener mounted to the sidewall adjacent the smaller cavity for opening a bottle that has a press-fit cap;

- a plurality of holders mounted to the sidewall adjacent the larger cavity for holding utensils and cups and for allowing their removal therefrom for use by the individuals.

Fetterly discloses a first aid kit (individual components including outer blanket 13 used as a splint or treating shock victim; col 3, line 61- col 4, line 14) removably mountable (via velcro fasteners 30 to blanket 13 to an exterior wall panel 12 for treating medical conditions and emergencies (col 3, lines 12-52, figs. 1-4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the first aid kit of Fetterly to the modified portable combination container and multi-media player of Johnson, Zeman, and Adams and mount it to the sidewall adjacent the smaller cavity of the modified cooler in order to equip the combination container on one end of a sidewall based on design choice of picking an empty space to

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place the kit outside the cooler with an emergency medical care kit to come in handy if the cooler's users get injured.

Johnson, Zeman, Adams, and Fetterly do not specifically disclose:

a bottle cap opener mounted to the sidewall adjacent the smaller cavity for opening a bottle that has a press-fit cap; and a plurality of holders mounted to the sidewall adjacent the larger cavity for holding utensils and cups and for allowing their removal therefrom for use by the individuals.

Acton discloses a bottle cap opener mounted (via fastening device 60) to one end of the cooler's sidewall (col 4, lines 25-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add the bottle cap opener of Acton to the sidewall adjacent the smaller cavity of the modified container of Johnson, Zeman, Adams, and Fetterly in order to conveniently stack a bottle opener somewhere near an open area of the smaller cavity chosen by design preference outside of the container to open a tight cap bottle when the user can't open it by hands. Johnson, Zeman, Adams, Fetterly, and Acton do not disclose:

a plurality of holders mounted to the sidewall adjacent the larger cavity for holding utensils and cups and for allowing their removal therefrom for use by the individuals.

McClain et al disclose a plurality of holders (38, 34) mounted (via support stop 64 and retaining strap 46 respectively) to the sidewall (28) for holding utensils (rod handle utensil holder; col 3, lines 23-40) and cups (holder 38 for holding cups; fig. 5; col 3, lines 41-53) and for allowing their removal therefrom for use by the individuals. It would

have been obvious to one of ordinary skill in the art at the time the invention was made to have the modified portable combination container and multi-media player of Johnson, Zeman, Adams, Fetterly, and Acton have a plurality of holders for utensils and cups mounted to the sidewall adjacent the larger cavity in order to fasten needed tools and drinking vessels to the other more spacious side of the container due to the other side of the modified container already being loaded with the bottle opener and first aid kit so that the user or fisherman can drink water and hold desired tools neatly for easy accessing and lifting of the cups and tools from those holders from outside the container instead of digging inside the inner compartments.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 5,781,853) in view of Zeman (5,864,981) in view of Adams (US 4,817,191) in view of Fetterly (US 5,365,739) in view of Acton (US 2,570,300) and further in view of McClain et al (US 6,052,939) and further in view of Yunger et al (US 5,823,337).

Regarding claim 12, Johnson, Zeman, Adams, Fetterly, Acton, and McClain et al disclose the portable combination thermal container and multi-media player of claim 11 wherein Johnson, Zeman, Adams, Fetterly, Acton, and McClain et al do not disclose wherein the lid portions are capable of pivotal movement at least 180 degrees so that when the lid portions are fully pivoted 180 degrees rearward to uncover the cavities, the lid portions can receive and support food and beverage items thereon. Yunger et al disclose a portable container wherein the lid portion are capable of pivotal movement of at least 180 degrees so that when the lid portion are fully pivoted 180 degrees rearward

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to uncover the cavities, the lid portion can receive and support food and beverage items thereon (col 1, lines 5-16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the lid portions of the modified portable combination container and multi-media player of Johnson, Zeman, Adams, Fetterly, Acton, and McClain et al open 180 degrees in order to allow the lids to swing freely about the hinges by reason of the hinge arrangement as suggested by Yunger et al (col 1, lines 5-16) and to allow the user to conveniently place other things on the lids since the lids are in a parallel horizontal position adjacent to the container's compartments capable of holding light materials, i.e. some things that the user unpacks from the main compartments of the modified container, when it is opened 180 degrees from its closed position.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Harris (US 3,459,327), Shell and Accessory Case for Skeet and Trapshooters.
- Jamison (US 5,673,791), Container and Lid for Container.
- Kirby et al (US 4,571,740), Recreation Apparatus.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lana N Le whose telephone number is (571) 272-7891. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Lana Le", with a stylized flourish at the end.

Lana Le

June 25, 2005